

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 8, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:09 a.m. Mayor Golding adjourned the meeting at 11:00 a.m. into Closed Session in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-excused by R-287932
(Attended Coastal Commission Meeting Los Angeles)
- (3) Council Member Kehoe-excused by R-287964
(Out-of-town travel)
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (pr)

ITEM-300:

ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present

- (2) Council Member Wear-not present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-330:

SUBJECT: Two actions related to the Sabre Springs Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report No. P96-187. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-176) ADOPTED AS RESOLUTION R-287907

Designating an area of benefit in Sabre Springs; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in

Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Sabre Springs Facilities Benefit Assessment Area.

Subitem-B: (R-97-177) ADOPTED AS RESOLUTION R-287908

Declaring that the assessment fee schedule contained in the Sabre Springs Public Facilities Financing Plan, as adopted and approved in Resolution R-287821, is an appropriate and applicable Development Impact Fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/31/96, LU&H voted 3-0 to approve the City Manager's recommendation. (Councilmembers Mathis, Wear and Stevens voted yea. Councilmembers Warden and McCarty not present.)

FILE LOCATION: STRT FB-9

COUNCIL ACTION: (Tape location: A019-036.)

Hearing began at 10:10 a.m. and halted at 10:11 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by McCarty.
Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED TO TUESDAY, OCTOBER 22, 1996

SUBJECT: Three actions related to the Torrey Highlands (Subarea IV) of the North City Future Urbanizing Area Public Facilities Financing Plan and Development Impact Fees. (See City Manager Report No. P96-225. North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-308)

Approving the document entitled "Torrey Highlands (Subarea IV) of the North City Future Urbanizing Area

Public Facilities Financing Plan and Development Impact Fee, September, 1996," and ordering fees to be imposed and collected.

Subitem-B: (R-97-309)

Rescinding the existing Interim North City Future Urbanizing Development Impact Fees within Torrey Highlands (Subarea IV).

Subitem-C: (R-97-310)

Authorizing the City Auditor to establish the Torrey Highlands Development Impact Fee fund.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/18/96, LU&H voted 4-0 to approve the City Manager's recommendation. Councilmembers Mathis, Stevens, Warden and McCarty voted yea. Councilmember Wear not present.

FILE LOCATION: LAND-North City Future Urbanizing Area

COUNCIL ACTION: (Tape location: A019-036.)

MOTION BY MATHIS TO CONTINUE TO OCTOBER 22, 1996 AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Vacating a Portion of Cushman Avenue and Land Sale of Site 477.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-139) ADOPTED AS RESOLUTION R-287909

Vacating Cushman Avenue southerly of West Morena

Boulevard and adjacent to Lot 1 of Linde Subdivision, Map-4979 and Lot A of Block A, Weeks Addition, Map-123, under the procedure for the summary vacation of streets.

Subitem-B: (R-97-140) ADOPTED AS RESOLUTION R-287910

Authorizing the exclusive sale of Site 477, being portions of Lots A, B and 1 through 12, in Block A of Week's Addition, Map-123, together with an adjoining portion of Cushman Avenue;

Authorizing the City Manager to execute a grant deed conveying the property to C.W. McGrath and June Carlee McGrath.

CITY MANAGER SUPPORTING INFORMATION:

The proposed vacation of Cushman Avenue southerly of West Morena Boulevard has been requested by the abutting property owner, McGrath Family Trust. Since 1980, the property owner has leased this City-owned right-of-way as well as an adjacent City-owned remnant parcel. The right-of-way and remnant parcels total 0.13 acre and collectively are Site 477, which was designated by Council in 1980 for sale or lease to the adjacent owner.

McGrath uses Site 477 for landscaping and paved parking for its adjacent commercial building. McGrath wishes to discontinue leasing Site 477 and purchase it instead. McGrath currently pays the City \$600 monthly rent for Site 477. Site 477 was purchased by the City in 1959 for Cushman Avenue and West Morena Boulevard and is the surplus remnant remaining from the street widening. City staff has determined that Site 477 is no longer needed for street purposes and may be vacated and sold. The Linda Vista Community Planning Committee also reviewed the proposed street vacation and sale and unanimously recommended approval. The Real Estate Advisory Committee also concurs with the sale. A general utility easement will be reserved over Site 477 to protect existing public utilities which cross the site. The value of Site 477 was determined by City staff appraisal to be \$74,500 in June 1996. The commercially zoned Site 477 is too small and encumbered by public utilities to be utilized by anyone but the adjacent owner.

FILE LOCATION: DEED F-6848; STRT J-2853 DEEDFY97- 2

COUNCIL ACTION: (Tape location: A019-036.)

Hearing began at 10:10 a.m. and halted at 10:11 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by McCarty.
Passed by the following vote: Mathis-yea, Wear-not present,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Two actions related to Goldfinch Canyon Open Space
Acquisition.

(See City Manager Report CMR-96-185. Located at the
corner of Dove Street and Arbor Drive. Uptown
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-287) ADOPTED AS RESOLUTION R-287911

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest,
convenience and necessity of the City of San Diego
require the acquisition of one parcel of property in
Goldfinch Canyon for open space purposes, affecting
Lots 5 through 12 in Block 11 of Arnold & Choate's
Addition, located in the Uptown Community, and that the
public interest, convenience and necessity demand the
acquisition of fee simple absolute to the property for
the Goldfinch Canyon Project;

Declaring that the property is deemed necessary for
completion of the project;

Declaring the intention of the City to acquire the
property under eminent domain proceedings;

Directing the City Attorney to commence an action in

the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning the property and acquiring immediate possession.

NOTE: 6 votes required.

Subitem-B: (R-97-326) ADOPTED AS RESOLUTION R-287912

Authorizing the expenditure of not to exceed \$31,105 from Open Space Bond Fund 79104, Organization 101, Object Account 4638, Job Order 028269 for costs related to condemnation of fee title in connection with the Goldfinch Canyon Open Space Project.

Aud. Cert. 9601164.

FILE LOCATION: STRT - OS-20

COUNCIL ACTION: (Tape location: A042-135.)

Hearing began at 10:12 a.m. and halted at 10:20 a.m.

Testimony in opposition by Beulah McCann.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Nine actions related to PLAN 2000 Solid Waste Management Issues.

(See City Manager Report CMR-96-179.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, D, E, F, G and H; and introduce the ordinances in Subitems B, C, and I:

Subitem-A: (R-97-243) ADOPTED AS RESOLUTION R-287913

Adoption of a Resolution approving the Fiscal Year 1997 Disposal Fee Schedule for the Miramar Landfill, based on a standard disposal fee of \$32 per ton rate, as contained in City Manager Report CMR-96-117.

Subitem-B: (O-97-49 Corr.Copy) INTRODUCED, TO BE ADOPTED
OCTOBER 21, 1996

Introduction of an Ordinance amending Chapter III, Article 1, of the San Diego Municipal Code by amending Section 31.0306, relating to Refuse Collector Business Tax.

Subitem-C: (O-97-3 Corr.Copy) INTRODUCED, TO BE ADOPTED
OCTOBER 21, 1996

Introduction of an Ordinance amending Chapter VI, Article 1, of the San Diego Municipal Code by amending Sections 66.0101 through 66.0106; by repealing Sections 66.0107, 66.0108, 66.0109, 66.0110, 66.0111, 66.0112, 66.0113, 66.0114, 66.0115, 66.0116, 66.0118, 66.0119, and 66.0121; by amending and renumbering Sections 66.0117 to 66.0124 and 66.0120 to 66.0125; by renumbering Sections 66.0122 to 66.0126, 66.0123 to 66.0127, 66.0124 to 66.0128, 66.0125 to 66.0129, 66.0126 to 66.0130, and 66.0127 to 66.0131; and by adding new Sections 66.0107 through 66.0123 and 66.0132, all relating to Solid Waste Franchise.

Subitem-D: (R-97-249) RETURNED TO CITY MANAGER

Adoption of a Resolution authorizing the City Manager to issue a Request for Proposals (RFP), for a City-wide curbside residential recycling program and for the Environmental Services Department to develop and submit a proposal in response to the RFP.

Subitem-E: (R-97-244) RETURNED TO CITY MANAGER

Adoption of a Resolution authorizing the City Manager to issue a Request for Proposals (RFP), for a privatized (public/private partnership) facility, located on the Miramar Landfill leasehold, to process co-mingled and/or source separated clean recyclable

materials collected through City-sponsored recycling programs and other sources.

Subitem-F: (R-97-247) ADOPTED AS RESOLUTION R-287914

Adoption of a Resolution directing the City Manager to prepare an ordinance excluding specified construction and demolition wastes from burial in the Miramar Landfill effective January 1, 1997, and source separated green wastes effective July 1, 1997.

Subitem-G: (R-97-245) ADOPTED AS RESOLUTION R-287915

Adoption of a Resolution directing the City Manager to continue the public review process on the Draft PLAN 2000, and return to Council with a Plan for consideration within 90 days.

Subitem-H: (R-97-248) ADOPTED AS RESOLUTION R-287916

Adoption of a Resolution setting the franchise fee equal to \$10/ton on all solid waste collected in the City regardless of the location of the disposal site.

Subitem-I: (O-97-50 Corr.Copy) TRAILED AS UNFINISHED
BUSINESS TO OCTOBER 21,
1996

Introduction of an Ordinance awarding nonexclusive franchises to and authorizing the City Manager to execute a nonexclusive franchise agreement with 17 currently licensed haulers upon completion of application and all requirements contained in the nonexclusive franchise ordinance and agreement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/7/96, NR&C voted 5-0 to approve the following actions relative to the PLAN 2000 proposal addressing solid waste management issues:

- a. Approve the City Manager's recommendation to ratify the FY 1997 Disposal Fee Schedule for the Miramar Landfill based on a standard disposal fee of \$32/ton for mixed municipal refuse and construction and demolition wastes and a

discounted rate of \$16.50/ton for clean, source-separated green and wood wastes effective July 1, 1996.

- b. Approve the City Manager's recommendation to amend the San Diego Municipal Code (SDMC) to establish non-exclusive franchises for solid waste enterprises providing commercial collection and transfer services in the City of San Diego and the payment of a franchise fee to the General Fund.
- c. Approve the City Manager's recommendation to amend SDMC, Section 33.0306, to exempt franchised commercial waste haulers from the Refuse Collector Business Tax (RCBT) and to reduce the RCBT for non-franchised commercial waste haulers to \$8/ton.
- d. In anticipation of the possibility of approving Citywide expansion of curbside recycling programs, approve the City Manager's recommendation to issue a Request for Proposals (RFP) for curbside collection of recyclable materials for all or part of the City. The Environmental Services Department would also submit a proposal as part of a competitive process.
- e. Approve the City Manager's recommendation to authorize the City Manager to issue a RFP for a privatized (public/private partnership) facility, located on the Miramar Landfill leasehold, to process co-mingled and/or source separated clean recyclable materials collected through City-sponsored recycling programs and other sources.
- f. Approve the City Manager's recommendation to direct the City Manager to prepare an ordinance to exclude specified construction and demolition wastes from burial in the Miramar Landfill effective January 1, 1997, and source separated green wastes effective July 1, 1997.
- g. Approve the City Manager's recommendation to direct the City Manager to continue the public review process on the draft PLAN 2000, and to return to Council with a Plan for consideration within 90 days.
- h. Direct the City Manager to review and comment on the proposal relative to solid waste management issues outlined in Councilmember Warden's August 6, 1996, memorandum and to return to the Natural Resources and Culture (NR&C) Committee on September 11, 1996, for consideration of issues relating

to using Franchise Fee/RCBT revenues to enhance our solid waste management system, reducing the Franchise Fee/RCBT in the future, and Citywide expansion of curbside recycling programs.

- i. Direct the City Manager to report to the NR&C Committee on September 11, 1996, regarding: What incentives the City currently is providing and proposes to provide in the future for private recycling facilities; consideration of other national and international recycling systems in planning, implementing, and operating City recycling programs; and the status of our compliance with, and efforts to alleviate the fiscal impacts of, federal mandates relative to Miramar landfill lining requirements.

(Councilmembers Warden, Mathis, Kehoe, Stallings and McCarty voted yea.)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:
(Continued)

On 9/11/96, NR&C voted 4-0 to approve the following actions relative to the PLAN 2000 proposal addressing solid waste management issues (Councilmembers Mathis, Kehoe, Warden and Stallings voted yea; Councilmember McCarty not present):

- a. Direct the City Manager to present to the Natural Resources and Culture (NR&C) Committee on October 23, 1996, a timetable for actions relating to developing a plan for Citywide expansion of curbside recycling, including development of a Request for Proposal (RFP), issuance of RFP, response to and evaluation of RFP, and analysis and presentation of financing options.
- b. Direct the City Manager to present an executive summary of the RFP for a Citywide curbside residential recycling program and for a public/private facility for processing recyclables at the Miramar Landfill to the NR&C Committee for comment and approval prior to RFP issuance.

FILE LOCATION: SUBITEMS: A, D, E, F, G, & H: MEET;
SUBITEMS: B,C, & I: NONE

COUNCIL ACTION: (Tape location: A139-B204.)

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS FOR SUBITEMS A, F,

G, AND H, TO INTRODUCE THE ORDINANCES FOR SUBITEMS B AND C, TO RETURN SUBITEMS D AND E TO THE CITY MANAGER TO ALLOW ENVIRONMENTAL SERVICES DEPARTMENT TO INVESTIGATE THE ISSUE OF RECYCLING COSTS AND HOW TO PAY FOR THAT SERVICE; AND DUE TO A LACK OF SIX AFFIRMATIVE VOTES, TRAIL SUBITEM I AS UNFINISHED BUSINESS TO OCTOBER 21, 1996. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-nay.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:00 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B205.)